IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1069 OF 2006.

Saraswati Khandu Bhandari. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri U.P.Warunjikar for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 26th April, 2006.

P.C.:

1. The submissions of the learned Advocate for the Applicant and the learned A.P.P. were heard day before yesterday. As the earlier bail application made by the Applicant was rejected by me, under the administrative order passed by the Hon'ble the Chief Justice this Application has been placed before me.

2. The allegation against the Applicant and the other co-accused is of commission of offence under section 302 read with section 34 of the Indian Penal Code. The earlier application was rejected by me on 9th August 2005.

3. Two grounds are pressed before me by the Advocate for the Applicant. The first ground is that as per the order passed in the first bail application, the

trial was ordered to be concluded within a period of six months from 9th August 2005 and as of today the trial has not even commenced. The second ground is that the co-accused Chandrakant has been ordered to be released on bail by this Court by order dated 22nd February 2006.

4. It is not in dispute that the trial has not yet commenced. In fact it is stated that even the charge is not framed. The Applicant is a 45 years old woman. The Applicant was arrested in May 2005. As the Applicant is a woman, a direction was given to conclude the trial within a period of six months. The said direction has not been complied with. The co-accused Chandrakant against whom very serious allegations have been made has been ordered to be enlarged on bail subsequent to the order passed by me on the bail application of the Applicant. While granting bail to the co-accused, the learned Judge of this Court has observed that the deceased was not in a proper state of mind at the time of incident. In my view the aforesaid two circumstances bring about a change warranting interference with the view taken by me earlier. In view the delay in commencement of trial, a case is made out for grant of bail.

2. Hence the following order is passed.

(i) The Applicant shall be enlarged on bail in connection with C.R.No.116 of 2005 registered at Khadad Police Station, Pune, subject to furnishing a personal bond of Rs.15,000/- with one or two sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicant will not enter the jurisdiction of Khadad Police station till disposal of the trial. The order granting bail will be acted upon only after the Applicant furnishes to the Jail Superintendent her new address.

(iii) The bail is granted subject to further condition that the Applicant will report to the nearest Police Station once in a week.

(iv) The Bail is granted subject to further condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with prosecution evidence.

(v) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

Judge.